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Amendment and Response

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Serial No.: 10/626,142

Confirmation No.: 9324

Filed: 24 July 2003

For: DENTAL WHITENING COMPOSITIONS AND METHODS

Remarks

The Office Action mailed October 9, 2007 has been received and reviewed. Claims 1, 8, 15, 23, 30, 37, 41, and 46-52 having been amended, and no claims having been canceled or added herein, the pending claims are claims 1-3, 5-17, 19-25, 27-32, 34-43, and 45-80.

Independent claims 1, 8, 15, 23, and 46-49 have been amended to recite that "the repeating unit comprising the polar or polarizable group is different than the repeating unit comprising the fluoride releasing group." Independent claims 30, 37, 41, and 50-52 have been similarly amended to recite that the polymer further includes "a repeating unit comprising a fluoride releasing group" and that "the repeating unit comprising the polar or polarizable group is different than the repeating unit comprising the fluoride releasing group." The amendments are supported by the specification including the working examples.

Claim 47 has also been amended to correct an obvious typographical error.

Reconsideration and withdrawal of the rejections are respectfully requested.

Rejections under 35 U.S.C. §103

The Examiner rejected under 35 U.S.C. §103(a) claims 1-3, 5, 8-11, 14-17, 19, 22, 30-32, 34, 36-43, 45-64, and 69-80 as being unpatentable over Mitra et al. (U.S. Patent No. 5,888,491) in view of Majeti et al. (U.S. Patent No. 7,025,950); claims 6-7, 12-13, 20-21, 23-25, 27-29, and 65-68 as being unpatentable over Mitra et al. in view of Majeti et al., and further in view of Aasen et al. (U.S. Patent No. 4,871,786); and claims 30-32, 34-35, 37-43, 45, 50-52, and 60-80 as being unpatentable over Rozzi et al. in view of Majeti et al. Applicants respectfully traverse these rejections.

Independent claims 1, 8, 15, 23, 30, 37, 41, and 46-52 (as amended) each recite a polymer including, among other things, a repeating unit including a polar or polarizable group and a repeating unit including a fluoride releasing group, wherein the repeating unit including the polar or polarizable group is different than the repeating unit including the fluoride releasing group.

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Applicants acknowledge that both Mitra et al. and Rozzi et al. clearly disclose polymers that include, among other things, a repeating unit including a polar or polarizable group. Further, both Mitra et al. and Rozzi et al. clearly disclose that the polar or polarizable group can optionally include, among a variety of other things, a fluoride counterion. However, Applicants respectfully submit that neither Mitra et al. nor Rozzi et al. provide an explicit disclosure of a polymer including, among other things, a repeating unit including a polar or polarizable group and a repeating unit including a fluoride releasing group, *wherein the repeating unit including the polar or polarizable group is different than the repeating unit including the fluoride releasing group*. Applicants further submit that Aasen et al. fail to provide that which is missing from Mitra et al. and/or Rozzi et al.

For at least this reason, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness for claims 1-3, 5-17, 19-25, 27-32, 34-43, and 45-80 being unpatentable over the cited combinations of art.

In view of the remarks presented herein, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

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Summary

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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4 January 2008
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of January, 2008, at 9:46 am (Central Time).

By: Name: Dani Moroz